

**OPINION  
45-251**

September 14, 1945            (OPINION)

SCHOOLS

RE: High School Students - Transportation

This is to acknowledge receipt of your letter of September 4, relative to transportation of high school students.

This office has previously considered this matter, and on August 25 1945 we wrote a letter to Mr. Dalager, deputy superintendent of public instruction, in which we called attention to section 15-3413 of the North Dakota Revised Code of 1943, which provides:

In any district which furnishes vehicular transportation by public conveyance, resident children who are attending any high school maintained in such district shall be transported in such public conveyance."

In your letter of September 4 you call attention to Chapter 243 of the Session Laws of 1927 which provides that, "resident children who are in the High School Department, if such District maintains such High School Department, shall be transported in such public conveyance."

Said chapter 243 deals with transportation in consolidated schools.

Chapter 246, which contains the same provisions, deals with adjacent territory of special school districts.

With reference to the source of the statute and the reviser's note, the same can have no effect upon construction of the statute.

Section 1-0211 of the North Dakota Revised Code of 1943 provides that, "No source note shall be deemed a declaration by the legislative assembly as to the purpose, scope or effect of any section to which such source note or reviser's note relates."

It follows, therefore, that section 15-3413 must be construed as an Act adopted by the legislature when the 1943 Code was adopted, and, therefore, it is the law and applies to any district which furnishes vehicular transportation by public conveyance.

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